



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 28435N DATE: December 30, 2003  
RESPONSE REQUIRED BY: January 2, 2004 (at Noon)

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

PERMIT MANAGER: Carol Heidsiek PHONE: 707-443-0855, carol.a.heidsiek@spd.usace.army.mil

**1. INTRODUCTION:** The County of Del Norte Community Development Department (contact Mr. Ernest Perry at 707-464-7254) and the California Department of Fish and Game (contact Ms. Karen Kovacs at 707-441-5789) have applied for a Department of the Army permit to breach the sandbar between Lakes Earl and Talawa and the Pacific Ocean about five miles north of Crescent City, Del Norte County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Due to the urgent nature of the breaching, the Corps of Engineers (Corps) is expediting the evaluation of this individual permit application.

**2. PROJECT DESCRIPTION:** As shown in the attached drawings (Sheets 1 through 6 of 6), the applicants plan to breach the sandbar between Lake Talawa and the Pacific Ocean in order to reduce the risk of flooding to local residences and roads. A bulldozer will be used to cut a trough in the sandbar between Lake Talawa and the ocean. The trough will have a slight gradient toward the sea. The flow of water in the trench will gradually increase until the sandbar breaches. The excavated trough would result in approximately 500 cubic yards of sand being pushed onto the sandbar.

The applicants propose to breach the sandbar between December 23, 2003 and April 15, 2004 if the water levels at Lake Earl rise above 8.0 feet mean sea level (msl).

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. On December 24, 2003, the North Coast Water Quality Control Board issued an emergency Clean Water Act, Section 401, Water Quality Certification.

On December 30, 2003, the California Coastal Commission issued an emergency permit for this action.

**4. CONSIDERATION OF COMMENTS:** The Corps is soliciting comments from the public, federal, state and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments

are used to assess impacts on federally listed species, historic properties, water quality, general environmental effects, and the other public interest factors found at 33CFR 320.4(a).

**5. SUBMISSION OF COMMENTS:** Interested parties may comment on the proposed breaching by any of the following means:

a. By telephone to Carol Heidsiek, Regulatory Branch at 707-443-0855. Messages may be left on the voicemail system.

b. By fax to Carol Heidsiek at 707-443-7728.

c. By Internet to Carol Heidsiek at [carol.a.heidsiek@spd.usace.army.mil](mailto:carol.a.heidsiek@spd.usace.army.mil).

Comments must be received by 12 noon on Friday, January 2, 2004.

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